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SENSITIVE

DEPT FOR WHA/CEN; G/TIP:GREG HOLLIDAY; CA/VO AND CA/FPP

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SUBJECT: BILATERAL TIP WORKING GROUP FORMED

REF: STATE 193839

11. (SBU) Summary: In response to RefTel, on July 7, the Ambassador and visiting G/TIP Program Officer Greg Holliday met with an inter-governmental group including the Minister of Government, Vice Minister of Foreign Affairs, Vice Minister of Labor, Secretary of Social Welfare, a Supreme Court magistrate and other GOG officials to share the Department's 2003 Trafficking in Persons (TIP) report findings and to request stepped-up GOG collaboration to combat trafficking in persons. GOG participants described ongoing efforts to combat trafficking and alien smuggling and announced the formation of a GOG commission to follow-up on issues included in the TIP report. The Embassy plans to follow-up on this result by developing and implementing a comprehensive anti-TIP strategy and continuing to encourage GOG attention to this issue. End Summary.

Background

12. (U) G/TIP Program Officer Greg Holliday visited Guatemala July 7-9 and met with the Embassy's anti-TIP working group, the GOG, locally-based NGOs and IOs working on anti-TIP, and visited NGO victims assistance projects on the Guatemalan-Mexican border at Tecun Uman. Holliday also met with Embassy NAS staff and the GOG's Secretary of Social Welfare to discuss the results of an earlier G/TIP-funded project; met with the main opposition candidate's campaign advisor on social issues; discussed USG anti-TIP efforts with participants in a Vital Voices leadership workshop; and gave an interview to the leading daily "Prensa Libre."

13. (U) Guatemala is rated a Tier II country in the Department's 2003 TIP report. The GOG acknowledges TIP as a growing problem and is taking steps to combat it. The Embassy organized the bilateral meeting to take advantage of Holliday's visit and the publication of the TIP report to increase GOG understanding of and will to combat trafficking in persons.

14. (U) The GOG responded enthusiastically to our request to the MFA for an inter-governmental meeting on this subject. Vice Minister of Foreign Affairs Gabriel Aguilera hosted the meeting, and the following GOG officials attended:

-- Supreme Court Magistrate Napoleon Gutierrez
-- Minister of Government Dr. Jose Adolfo Reyes Calderon
-- Minister of Public Health and Social Assistance Dr. Julio Molina Aviles
-- Vice Minister of Labor Sandra Mendez de Arevalo
-- Secretary of Social Welfare Marilys Barrientos de Estrada
-- Director General of Migration, Oscar Contreras Hernandez
-- MFA Director of Bilateral Affairs, Sara Solis Castaneda
-- MFA Human Rights Advisor Mario Rene Cifuentes

The Ambassador and Mr. Holliday were accompanied by Acting PolCouns (Embassy TIP Coordinator) and PolIntern.

USG Pitch

15. (SBU) The Ambassador acknowledged that trafficking in persons is a serious problem in the U.S., and appealed for GOG cooperation to fight this scourge. He explained the difference between trafficking in persons and alien smuggling. Holliday described how the USG is tackling the problem in the U.S. domestically (through inter-governmental coordination) and abroad. He explained the findings of the TIP report on Guatemala and the implications of a Tier II and III rankings. Holliday described G/TIP and USG programs worldwide totaling \$55 million in 2002 to combat trafficking, and gave examples of means to address prevention, assistance to victims, and law enforcement to catch and prosecute traffickers.

16. (SBU) Holliday praised Guatemala's National Action Plan to Combat Sexual Commercial Exploitation of Children and Adolescents as a good first step and asked how implementation of the plan was proceeding. He said that governments benefit from the expertise of IOs and NGOs working to assist victims of trafficking, such as the IOM and ILO and Casa Alianza in

Central America. He asked to hear about best practices being implemented to combat trafficking in Guatemala, and gave an example of a best practice in Nicaragua, where police visit schools to increase awareness of children to the risks of TIP. Holliday urged GOG immigration authorities not to treat victims of trafficking as illegal migrants. Instead, victims should be interviewed to develop investigations into trafficking rings, and provided assistance. Deportation of victims does not solve the problem, he said, if the trafficker goes free. He noted GOG efforts to combat and punish corruption and welcomed the start of a bilateral dialogue on TIP.

17. (SBU) After hearing the GOG presentations (see below) the Ambassador emphasized the need to implement concrete actions to combat TIP. He urged a re-examination of the National Action Plan and Guatemalan laws to combat TIP. Holliday said that efforts to combat alien smuggling can be adapted to combat TIP. The hundreds of Guatemalans being deported from Mexico every day, for example, could be interviewed by Guatemalan authorities to determine if they are victims of trafficking.

GOG Presentations: Confusing TIP with Alien Smuggling

18. (SBU) DirGen of Immigration Contreras described the number of Salvadoran and Honduran undocumented migrants deported by Guatemala (36,917 in the first six months of this year), the number of people charged with migration crimes during that period (54) and the number of buses used to transport deportees to their countries. Contreras said President Portillo is concerned about the lack of border control and lack of prevention of alien smuggling and corruption; he then described GOG efforts to change the situation since 2001, including Contreras' appointment as "intervenor" of the Migration Directorate. 117 migration officials have been discharged for corruption, nine have been charged, and 64 have been subject to disciplinary actions in the migration directorate, including some directors of the directorate's union. He said that he had received threats linked to the case of union corruption.

19. (SBU) Continuing, Contreras said national Immigration Service computer networks have been established where they did not exist. The Directorate is now much better equipped to detect false documents and has created a "blacklist," including information on terrorists and a national immigration database. The Directorate has received assistance from the USG and the governments of Mexico and Taiwan to upgrade its capabilities. The Directorate has cooperative relations with many Embassy sections, he said, and helped in cases involving the smuggling of 50 Salvadoran children to the U.S. and in the arrest of the ringleader responsible for 18 recent smuggling deaths in Texas. He cited cooperative efforts and accords with Mexico to modernize border crossing posts. He said that he is willing to cooperate with NGOs like Casa Alianza, but said "they sometimes exaggerate and criticize our efforts to protect the human rights of victims."

10. (SBU) In conclusion, Contreras said the Directorate cooperates with the MFA on visa matters to avoid corruption and said, under orders of the President, there are no "political or military appointees in Immigration." Since 9/11, the GOG has tightened up immigration procedures across the board, he said. He cited measure taken at the Aurora International Airport in Guatemala City to tighten ingress, and provided a report entitled "Results of Intervention, December 2001-June 2003."

11. (SBU) MFA Human Rights Advisor Mario Rene Cifuentes said the GOG takes the problem of trafficking, which is really a modern form of slavery, very seriously. He proposed that this meeting be considered the start of a bilateral process or dialogue on TIP. In a formal presentation, Cifuentes described the GOG's efforts to address the problem bilaterally and regionally, including:

- the GOG-GOM Bi-national Group on Immigration Issues
- the GOG-GOM Bi-national Study on Immigration
- the GOG-GOM Ad Hoc Group on Temporary Agricultural Workers
- the GOG-GOM High-Level Group on Border Security
- the GOG-GOM Bi-national Group on Ports and Border Services
- similar bi-national efforts with El Salvador and Honduras
- the Pilot Project on Temporary Agricultural Workers with Canada
- Guatemala's pending request for a trilateral meeting on migration between the U.S., Mexico and Guatemala, made at the

Regional Conference on Migration in Antigua in May 2002.
(Note: the Embassy facilitated a meeting of the US, Guatemalan and Mexican delegations to the Conference at GOG request. At that time, USdel officials and the Mexicans offered to return to Guatemala at a later date to share lessons learned from US border control on the US-Mexican border, and US-Mexican cooperative efforts to combat alien smuggling. That meeting has not taken place but would clearly still be welcomed by the GOG. End Note.)

-- the Regional Conference on Migration

-- the Central American Commission of Directors of Immigration

Cifuentes then listed international conventions Guatemala is party to related to TIP, including:

-- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, signed and pending in Congress

-- The UN Convention on Protection of the Rights of Migrant Workers and their Families (ratified March 14, 2003)

-- Numerous ILO Conventions, including Convention 182 on the Worst Forms of Child Labor

-- the Hague Convention on Adoptions

Finally, Cifuentes described inter-institutional efforts to address issues related to TIP, including:

-- the National Immigration Commission

-- the National Commission to Combat Trafficking in Persons (formed in June 2003 to follow-up issues identified in the Department's 2003 TIP report.)

-- the proposed National Commission Against Commercial Sexual Exploitation of Children and Adolescents

-- various port and border crossing security commission and border consulate meetings

¶12. (SBU) Supreme Court justice Gutierrez acknowledged the need for new legislation to combat TIP, and said the judiciary is developing reforms to strengthen the penal code that includes TIP. He distanced the judiciary from the role of public prosecutors, saying the role of the judiciary is to judge, not to investigate. He cited the need for control over civil registries to combat undocumented migration, the use of mobile courts to try traffickers, and better control over the issuance of visas.

Victims Assistance Efforts

¶13. (SBU) Turning to victims assistance, Immigration Director Contreras cited GOG efforts to provide 45 recently-apprehended smuggling victims from Ecuador with shelter and medicines. One of Contreras' assistants added that a project exists in cooperation with the IOM to interview Guatemalan deportees from Mexico to determine if they were victims of trafficking. Contreras said his Directorate has proposed training police in humane treatment of victims, will construct a medical clinic for victims, and will continue to practice direct repatriation of aliens to avoid problems experienced in the past of mistreatment and corruption in holding centers.

¶14. (SBU) Social Welfare Secretary Barrientos said that legislation is pending in Congress to ratify the Trafficking in Persons Protocol and also to create a National Commission to Combat Commercial Sexual Exploitation of Children and Adolescents, which would implement the National Action Plan. The Commission would be comprised of all GOG institutions involved in combating trafficking, as well as NGOs. The Secretariat operates four shelters for child victims of abuse

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referred by the courts. Victims of trafficking referred by the courts have access to these shelters. (There are currently approximately 100 children in each of these shelters and 300 more children in selected private homes, she said at a subsequent meeting.) In 2002, the Secretariat assisted 37 victims of trafficking, and in the first six months of 2003 there have been 16. The issue of trafficking will be introduced to secondary schools in a 24 hour module, and there are plans to extend education efforts to the primary level to reach those most vulnerable to becoming TIP victims.

¶15. (SBU) Health Minister Molina described his Ministry's efforts to provide health services to migrant workers and deportees in three GOG shelters and at the Casa del Migrante (an NGO) on the border and in the capital.

¶16. (SBU) Vice Minister of Labor Mendez cited Ministry of Labor cooperation with the ILO's Program To Eradicate Child Labor (IPEC) in various sectors, and Ministry programs designed to help workers succeed in Guatemala. She cited a new temporary labor pilot project with Canada which will provide 100 Guatemalans the opportunity to migrate legally to earn money for their families, rather than be trafficked. She also described the Ministry's role to permit ordered temporary migration for Guatemalans to work in Mexico.

Comment and Action Plan

¶17. (SBU) The assembled group of GOG officials had copies of the translated TIP report, which we provided in an earlier demarche to MFA, and appeared to be familiar with the difference between trafficking and alien smuggling. Their responses, however, described efforts to combat the latter more than the former. While there is obviously substantial overlap, we will need to continue to emphasize the need for concrete steps focused on trafficking.

¶18. (SBU) Nevertheless, we are encouraged by the GOG's commitment to coordinate its anti-TIP efforts and collaborate with us to address this problem. This is a good first step and offers possibilities for future collaboration which we hope to capitalize on over the coming year. By tapping the talents of the Embassy's anti-TIP agencies we hope to achieve concrete progress on the legal regime, law enforcement, victims assistance, and public awareness to combat this scourge. For example, the Embassy will help focus Congress on ratification of the UN Protocol to Combat TIP. We will press the Public Ministry (the Attorney General was invited, but absent at this meeting) to step up investigations of trafficking in the border region (where at least two convictions of traffickers were reported several years ago). The Social Welfare Secretariat's shelters, which G/TIP has supported in the past, offer a good infrastructure for child victims, and the Secretariat has requested our help to create a new center in Coatepeque (strategically located on the main highway route to Mexico) specially geared to helping trafficking victims of all ages. We will evaluate this proposal and report further on these possibilities and others under discussion with IO and NGO partners in the fight against TIP.

HAMILTON